

**MINUTES
FACULTY SENATE
THE UNIVERSITY OF ARIZONA
February 7, 2000**

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1. CALL TO ORDER

The meeting was called to order by Vice Chair and Presiding Officer Larry C. Schooley at 3:00 p.m. in the College of Law Room 146.

Present: Senators Aguilar, Aleamoni, Auxier, Caldwell, Chow, Dahlgran, Dalman, D. Davis, T. Davis, DeYoung, Erlings, *Gibbs* (substitute for Christiano), Gruener, Hancock, (substitute for Warburton) Hau, Heckler, Heinrich, Hogle, Howell, Ivey, Jenkins, Kosta, Laetsch, Larson, Levin, Levy, Likins, Marchalonis, Maré, Medine, Merkle, Mishra, Mitchell, Newell, Nolan, O'Brien, Parsons, Pepper, Pitt, Pope, Powell, Roberts, Schooley, Sheridan, Silverman, Spece, Swindle, Sypherd, Szilagyi, Voyatzis, Warburton, Weinand, Witte and Zwolinski. Robert Sankey served as Parliamentarian.

Absent: Senators Armstrong, Dvorak, Dyl, Garcia, Houtkooper, Hurt, Impey, Joens, Perches and Roberts.

2. OPEN SESSION

(Please note that speakers at the Open Session are expressing their personal opinion, which may not reflect the position of the Faculty Senate.)

Dr. William Bickel – Statement concerning reinstatement of Professor M. Kay. (attachment)

Senator Spece – Statement concerning reinstatement of Professor M. Kay.

Senator Silverman – Statement concerning reinstatement of Professor M. Kay.

Mr. Douglas Williams – Statement concerning lack of due process in grievance procedure for dismissed and laid-off classified staff members.

Senator Hogle – Statement concerning restoration and impending grievance procedures for Professor M. Kay.

3. REPORTS

3A. ASUA President Francisco Aguilar

Senator Aguilar reported the Arizona Students Association (ASA) has been actively lobbying to defeat certain bills currently before the Legislature which could limit students' academic freedom of Internet use and restrict dormitory living conditions. The ASA's legislative agenda was recently published in the *Arizona Alumnus*. ASA and the Arizona Faculties Council (AFC) have been meeting at every Arizona Board of Regents (ABOR) meeting to work on common concerns such as faculty salaries. Senator Aguilar invited students and faculty members to attend the ASA's Leg Conference of February 22, an all-day event at the State capital with guest speakers, a luncheon, and time to meet with legislators to share issues of concern to students across the state. ASUA election results will be announced March 9, 2000. The ASUA Senate has concerns about the University's Code of Academic Integrity and is grateful for the Faculty Senate's willingness to work toward a compromise. ASUA is holding an Advising Forum on February 29 involving students, faculty, and current advisors to identify both immediate and long-term solutions to advising concerns and problems.

3B. GPSC President Laura Roberts

No report.

3C. Vice Chair of the Faculty Larry Schooley

Vice Chair Schooley welcomed Professor Jory Hancock who will serve as a non-voting substitute for Professor Jeff Warburton who is on sabbatical. Vice Chair Schooley announced that agenda item #6, the proposed additional text to the Code of Academic Integrity has been withdrawn.

3D. Secretary of the Faculty Susan Heckler

Secretary Heckler reported the Faculty Census has been completed in preparation for the Faculty Elections. The Faculty Membership Committee is chaired by the Secretary of the Faculty and includes two other faculty members, Amy Ernst and Gerald Monsman. They are requesting Senators' feedback on the following two issues. 1) The committee would like to add a phrase to the Constitution/Bylaws description of administrators who also act as voting faculty members to say, "who also hold a secondary title consistent with Article 2." 2) Because emeritus faculty are difficult to monitor accurately in our system, the committee is suggesting that the definition include a phrase such as "who are in the first five years of emeritus status" although exceptions can be accommodated. The committee also examined the status of faculty on year to year contracts and Senate representation of UA South faculty and at this time they recommend no change for either.

3E. Chair of the Faculty Jerrold Hogle (attachment)

Chair Hogle announced that petitions for Faculty Elections are due Friday, February 11. He described the increasing awareness of the universities' loss of faculty members due to salaries below the 50th percentile nationally. He reported rising support from the Tucson 30 business group, the Greater Phoenix Leadership and the Arizona Board of Regents. The Regents are pursuing funding for increased salaries for faculty, staff and graduate assistants, building renewal and conversion to digital television for KUAT. The Governor's Task Force on Higher Education began with attention on enrollment management but has shifted its focus to what is needed to maintain Arizona's economic competitiveness. Most Task Force members regard high quality universities with properly paid faculty and staff as essential to this goal and to the economic future of the state. A team of three faculty members and three regents attended the Academy for Academic Leadership Conference in January where they worked on learner-centered education. Regents Gignac and Ulrich expressed a strong commitment to build legislative and financial support for the universities. Several faculty members will be attending "UA Pride Night" on February 15 in Phoenix to welcome and connect with legislators and address specific issues of the current session. Chair Hogle informed the Senate of a Citizens' Independent Redistricting Commission effort to place an initiative on the ballot to prevent gerrymandering and which could affect future legislative support for higher education. The governor-recommended Senate Bill 1404 would raise the state merit increase from 2% to 3% on April 1st. Information was provided by Chair Hogle on these bills, with responses left to individuals to make using their own resources.

3F. Provost Paul Sypherd

Provost Sypherd recalled ABOR's concerns of 1992 that included measuring and increasing faculty workload and abolishing tenure. The AFC's involvement in the process of educating the regents concluded with their appreciation for the process and the role that tenure plays in the American university. Because the Board has four new regents, the three provosts' offices met with the new regents to educate them about the process of being hired and receiving tenure. During this meeting the other regents as well as the presidents joined the group and went on to consider what efforts are being made to keep our distinguished faculty. After seeing the gaps in the data regarding Arizona's faculty salaries, the regents concluded this is the most serious issue we face. The UA's proposal for \$5 million for the Learning Services Building was approved unanimously.

3G. President Peter Likins

President Likins discussed the Governor's Task Force on Higher Education and how it may alter the posture of the Legislature toward higher education. After beginning by studying Arizona's demographics, the business community members pushed for new ideas and a new direction for the Task Force. The three university presidents decided the only way to speak effectively was to embrace the Task Force's belief that its principle challenge is to help enable Arizona's citizens to live and work in the knowledge-based global economy, the demands of which extends to all of the activities of a research university. Each president has been asked to speak for five minutes at the next meeting on the value of their institutions and how they can contribute to Arizona's functioning in this global economy.

4. QUESTION AND ANSWER PERIOD

Senator Silverman asked for clarification of Senate Bill 1404. Chair Hogle said the bill would increase the merit increment from 2% to 3% on April 1, 2000 for all state employees.

Senator Witte invited President Likins to attend the Committee of Eleven Millennium Forums as he considers the emerging paradigm of the University as an economic force, and referred him to the January 31 article of the Wall Street Journal regarding marketers on campus.

Senator Szilagyi asked President Likins if it is true that Professor Kay has been banned from the campus. Senator Hogle raised a point of order. Senator Schooley ruled Senator Szilagyi's question out of order on the grounds that that the Question and Answer Period is only for Agenda Item 3, the Reports. Senator Witte challenged the ruling. The Senate voted 18 to 17 with one abstention to allow the question. President Likins explained he cannot respond to the question as long as the matter is still in litigation.

Senator Medine remarked that the UA salary dislocation gap gets worse every year that systematic planning for the future is not in effect and proposed that the existing gap could be closed with \$6 million. Provost Sypherd explained that \$18 million is needed just to reach the median of the comparison institutions.

Senator Auxier asked and Senator Aguilar agreed to consider intimately involving GPSC in the continuing negotiations regarding the Academic Code of Conduct.

5. APPROVAL OF THE MINUTES OF DECEMBER 6, 1999 AND DECEMBER 13, 1999.

The minutes of the Faculty Senate meeting on December 6, 1999 were approved as distributed.

The minutes of the December 13, 1999 meeting were approved with the following amendments: (1) inclusion of a statement that the chair ruled Senator Witte out of order when she tried to address the substitute motion prior to allowing the Senate to debate the original motion; and (2) the inclusion of the record of the role call vote within the body of the minutes rather than in an appendix. Senator Witte also raised procedural objections to allowing the motion to table to be applied to motion (1999/00-9) at the December 13 meeting. She alleged that the motion was used to stop debate and thus should have required a two-thirds vote. Additionally she claimed that the mover was out of order in speaking on an undebatable motion. In response to questions, the parliamentarian affirmed the correctness of the procedure of allowing opportunity for the Senate to perfect the original motion before allowing consideration of the substitute motion and indicated that the motion to table was in order when it was offered. He agreed that the motion is undebatable

but noted that the mover of a motion may be allowed a limited opportunity to explain his or her motion at the discretion of the chair and the assembly. Further, members of an assembly may raise a point of order if they feel that a motion or the debate of a motion is out of order.

6. **DISCUSSION AND POSSIBLE ACTION ON PROPOSAL FOR ADDITIONAL TEXT TO THE PROHIBITED CONDUCT PARAGRAPH OF THE CODE OF ACADEMIC INTEGRITY FORWARDED FROM THE STUDENT AFFAIRS POLICY COMMITTEE – DR. STEVEN SMITH, CHAIR, SAPC (attachment)**

Withdrawn.

7. **DISCUSSION AND ACTION TO PROPOSED CHANGES TO SELECTED SECTIONS OF THE *Constitution and Bylaws of the General Faculty of The University of Arizona* – SENATOR HOGLE AND SENATOR HEINRICH, CHAIR, COMMITTEE ON ACADEMIC FREEDOM AND TENURE (attachment)**

[Motion 1999/00-12] came as a seconded motion to the Bylaws Article IV, Section 9 from the Committee on Academic Freedom and Tenure (CAFT). Senator Hogle described the process of nominating faculty members to serve on CAFT and endorsed this proposed change to the Bylaws. Senator Heinrich explained CAFT members' concern and deliberations about the nominating process and explained the proposed changes. The revised Section a deals only with the election process, Section b relates to the functioning of the committee, and the new Section c deals with replacements of members of provisions for a tie in the election. He explained that the change would involve the Committee on Committees selecting the names for the ballot, in consultation with the president and the Chair of the Faculty. Senators' questions and comments included: 1) what is the rationale for using two times the number to be elected; why is this amendment to the Constitution/Bylaws not being brought as a first reading; 2) why is the number of candidates being reduced; why is this amendment being considered when the Committee of Eleven has been working to amend the entire grievance process; does diversity mean quotas; 3) since the University requires a first and final reading on policy changes, perhaps so should changes to the Constitution and Bylaws; 4) if the number to be nominated is not more than eight, consultation with the president and Chair of the Faculty becomes meaningless; 5) does an appearance before CAFT bring disenfranchisement to serve on CAFT. Senator Witte moved to table discussion; motion died for lack of a second. Senator Hogle moved [Motion 1999/00-13] that the proposed amendment to Bylaws Article IV, Section 9 be modified to read; "The Committee on Committees will prepare a list of names containing MORE than two times the number to be elected," Motion was seconded and carried. Senator Larson reminded the Senate that the Academic Personnel Policy Committee is working to revise grievance policies and procedures that will supplant the original motion. Senator Witte moved [Motion 1999/00-14] to postpone consideration of Motion 1999-00-12 until after the APPC presents its document at the March meeting. Motion seconded and carried with one opposed.

8. **PROGRESS REPORT ON GRIEVANCE PROCEDURE REVISIONS FROM THE ACADEMIC PERSONNEL POLICY COMMITTEE – SENATOR LARSON, CHAIR, APPC**

Senator Larson stated the APPC is preparing a proposal to bring to the Senate for a first reading in March. This document proposes to replace the faculty grievance policies and procedures and would supercede the concerns described in Motion 1999/00-12.

9. **PREPARATION FOR NORTH CENTRAL ASSOCIATION (NCA) VISIT FEBRUARY 14-16 – DR. BETTY ATWATER AND DR. RANDY RICHARDSON, CO-CHAIRS OF THE SELF-STUDY REPORT STEERING COMMITTEE (attachment)**

Dr. Richardson described the self-study process which began two years ago and reported the self-study has been published in its entirety on the Web as well as an abridged version in the last issue of Lo Que Pasa. The NCA team will arrive next week beginning with a reception on Sunday evening, and they will be on campus Monday and Tuesday, February 14-15, and will meet with all the working teams, travel to UA South, and hold four open public forums. One of the two major goals of the self-study was to have the University become re-accredited. The self study's second major goal was to provide long-term benefits through the analysis such as acknowledging the culture change in the shift toward a student-centered research university and identifying the issues and challenges facing the University that will be used in the next five years of planning processes. The NCA team will be considering the UA's assessment methods included determining whether we have measurable objectives, whether we are measuring success, whether we use the information to improve the systems, and particularly student outcomes.

10. **DISCUSSION (FIRST READING) OF POLICY ON ETHICS IN RESEARCH AND PROCEDURES FOR INVESTIGATIONS OF MISCONDUCT IN RESEARCH – DR. RALPH FREGOSI, CHAIR, RPC (attachment)**

Dr. Fregosi thanked the members of the Research Policy Committee for their efforts and time toward producing the second revision of the document. This was distributed electronically to all members of the faculty and administration on January 7, 2000, for the broadest possible distribution and also to request feedback. Only four responses have been received to date. The document was written to be consistent with existing governance policies and also to be consistent with the needs and requirements of the federal Office of Research Integrity. Senator's suggestions and questions included: 1) not receiving the electronic distribution in January; 2) request to have the RPC's original policy on research misconduct distributed along with the next revision; 3) request to have the definition of research misconduct compared with federal government's definition; 4) clarification of the role of the research integrity officer; 5) questions regarding self-plagiarism as a form of plagiarism; 6) ex parte communication of committee members with administration; 7) request for correspondence from ORI describing the shortcomings of the original policy; 8) discrepancy concerning who may participate in inquiry and investigative procedures; 9) conflict of interest for the Vice-President for Research to choose research integrity officer; 10) request to delete the last sentence of Section E. 3; 11) request to add "direct or indirect" the next to last line of Section F. 2 re: relationships; 12) delete "and the facts" from the second sentence of Section F. 3; 13) add the word "full" before the words "investigation" and "defense" in the last sentence of F. 3; 14) request to change the last line of F. 6d to read "Final decisions of the President are subject to

de novo judicial review insofar as allowed by Arizona law;” 13) remove the committee’s discretion to seek advice from the General Counsel in H; 14) suggestion that the finding of research misconduct as stated in B. 2 requires proving beyond a reasonable doubt what is in someone’s mind, which is unknowable, as opposed to a preponderance of evidence.

11. **OLD BUSINESS**

12. **NEW BUSINESS**

13. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 5:13 p.m.

Susan E. Heckler, Secretary

Appendix*

1. Dr. William Bickel’s statement at the Open Session
2. Chair of the Faculty’s contact information for Arizona Legislature
3. Consent Agenda Item: Student Affairs Policy Committee additional text to the Prohibited Conduct paragraph of the Code of Academic Integrity
4. Code of Academic Integrity
5. “Proposed Amendments to the Bylaws of the General Faculty of the University of Arizona”
6. NCA2000: UA Self-Study Report Executive Summary
7. NCA2000: UA Self-Study Report
8. NCA2000: Schedule of NCA Team Visit
9. Policy On Ethics In Research And Procedures For Investigations Of Misconduct In Research, Draft 2, January 7, 2000

*Copies of material listed in the Appendix are attached to the original minutes and are on file in the Faculty Center.

Motions of the Meeting of February 7, 2000

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| 1999/00-12 | Seconded motion from the Committee on Academic Freedom and Tenure to amend Bylaws Article IV, Section 9 to amend the process by which CAFT nominees are selected and by which vacancies on the committee are filled as detailed in these minutes and in appendix 5. Motion tabled. |
| 1999/00-13 | Motion to amend Motion 1999/00-12, the Bylaws Article IV, Section 9a to replace “not fewer” with “more.” Motion carried. |
| 1999/00-14 | Motion to postpone consideration of proposed amendment to Bylaws Article IV, Section 9. Motion carried. |

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